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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/676488
Filing Date: September 30, 2003
Appellant(s): Michael David's Dobbs

Michael David's Dobbs
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 10/23/2009 appealing from the Non Final Office action mailed on 06/22/2009.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6147743	Fredlund	14-2000
6204937	Takeda	20-2001

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fredlund (6147743) in view of Takeda (6204937).

Claim 1, Fredlund discloses an image reproduction apparatus **(Col. 2 lines 61-63, Scanner 22 shown in Fig. 2)** comprising:

a transparent scanning bed **(transparent Platen 12 shown in Fig. 2)** .

a scanning device **(Col. 2 lines 61-62-Scanner 22)** optically coupled to said scanning bed, **(Fig. 2 shows clearly that Scanner 22 is inside the scanning bed 12)** said scanning device

comprising a photoconductive platen **(Lens 28 shown in fig. 2)** configured to receive light reflected off of an object **(Col. 2 lines 63-65- thus when the lights reflects from the scanned object, lens 28 receives the reflected signals to be processed)** on said scanning bed **(transparent Platen 12 shown in Fig. 2))** and an adjustable shade **(Col. 3 lines 21-25- thus the mask)** associated with said scanning bed **(Col. 3 lines 17-21- thus the mask is associated with the scanning bed because the series of mask is used during scanning)**

Fredlund does not disclose wherein said adjustable shade is configured to be selectively extended from a position adjacent said scanning bed to cover a portion of said scanning bed including from an edge of said scanning bed to a leading edge of said adjustable shade and

an underside of said shade presented to said scanning device through said bed being colored such that said scanning device outputs no image when scanning said underside of said shade thereby effectively reducing a size of said scanning bed.

Takeda discloses wherein said adjustable shade **(Col. 5, Lines 54-65, Fig. 8, El 42L, NB: understands that plate 42 is a shade because it shield light and it also adjustable because the user can move the plate by motor 41 and screws 44)** configured to be selectively extended from a position adjacent said scanning bed **(Col. 6 lines 12-22, Fig. 8, El. 42 or light shielding plate, thus the plate extend from an edge of the scanner because as the plate moves in A direction as shown in fig. 8, the shield extends in the X or horizontal axis and the rotation of Nuts 43 (L and R) extends the plate in the Y or vertical direction)** to cover a portion of said scanning bed including from an edge of said scanning bed to a leading edge of said adjustable shade **(Col. 1, Lines 59-67, Fig. 8, El. 42 (L and R) , understands that since plates 42(L and R) is in between the plates and the original image it shields or blocks light and it also covers unwanted portions of the original image depending upon the users preference)** and an underside of said shade presented to said scanning device **(Fig. 8 shows the top view of the scanning device and therefore the**

underside of plates 42 (L and R) will be facing the scanning device) through said bed being colored such that substantially no light is reflected onto said photoconductive platen **(Col. 6 lines 1-5, Fig. 8, Plates 42 (L and R) - thus the plates will not be transparent since its purpose is the shield or block light during scanning)** when scanning said underside of said shade thereby effectively reducing a size of said scanning bed. **(Abstract lines 9-12, thus when plate 42 shields or blocks light it also covers unwanted portion of the original image so that the unwanted portion can not be reproduced).** Therefore it will be obvious to one ordinary skilled in the art at the time the invention was made to modify Fredlund's series of Mask to include Takeda's light shielding plates which will shield or block lights from scanning a certain portion within a document and therefore remove unwanted portions of the documents from being scanned. Unlike Fredlund, Takeda will not need a series of mask, instead the light shields is adjustable to cover the preferred portion of the image to be scanned and therefore this will enable users to avoid scanning documents that they do not want.

Claim 2, Fredlund in view Takeda discloses wherein said scanning device comprises a light source **(Fredlund: Col. 2 line 64- thus the flash lamps 24)** configured to illuminate said scanning bed such that said platen obtains a latent image of said object on said scanning bed. **(Fredlund: Col. 2 lines 63-68- thus the flash lump and the mentioned illumination source provides light during scanning)**

Claim 3, Fredlund in view Takeda discloses wherein said scanning bed is configured to receive a document. **(Fredlund: Col. 4 lines 18-20- thus the mask or covered picture is placed on the platen).**

Claim 4, Fredlund in view Takeda wherein said scanning bed comprises glass. **(Fredlund: Col. 2 lines 61- 65-thus the scanning bed can be a glass since it is transparent).**

Claim 5, Fredlund in view Takeda wherein said scanning bed comprises plastic. **(Fredlund: Col. 2 lines 61- 65-thus the scanning bed can be a glass since it is transparent).**

Claim 6, Fredlund in view Takeda discloses wherein said adjustable shade comprises an opaque material. **(Fredlund: Col. 3 lines 20-26- thus the mask is a cardboard and therefore it will be an opaque material).**

Claim 7, Fredlund does not disclose wherein said adjustable shade further comprises a shade reel including a spring and a lock mechanism.

Takeda disclose wherein said adjustable shade further comprises a shade reel including a spring and a lock mechanism. **(Col. 6, lines 12-20- thus when the light shield is moved by the motor the plates stays and locked at the place for the scanning operation to take place).** Therefore it will be obvious to one ordinary skilled in the art at the time the invention was made so the when the plate moves it will be able to stay and shield the light the scanning operation. The will control the light shield and therefore will give a better image.

Claim 8, Fredlund in view Takeda discloses wherein said opaque material is coiled around said shade reel. **(Takeda: Col. 6 lines 12-22, Fig. 8, El. 42- thus the plates when retracted will be coiled to its location)**

Claim 9, Fredlund in view Takeda discloses further comprising an adjustable shade disposed on each side of said scanning bed. **(Takeda: Col. 6 lines 34-35- thus the if the shield can take different forms of shape and therefore if it is a rectangular shape then each of the four sides has to be at each side of the scanner bed.)**

Claim 10, Fredlund in view Takeda discloses wherein said adjustable shades **(Takeda: Col. 5, Lines 54-65, Fig. 8, El 42L, NB: understands that plate 42 is a shade because it shield light and it also adjustable because the user can move the plate by motor 41 and screws 44)** are coupled to said image reproduction device and said adjustable shades are configured to be drawn to a desired length, maintain said desired length for a desired length of time, and to be retracted by a spring and lock mechanism. **(Takeda; Col. 6 lines 12-20- thus in order for the shield to create the shade or shield the light , the plates has to stay at least for the duration of scanning operation or for the duration of the exposure lump is working, therefore Takeda will inherently disclose drawn the shade and maintaining it for the length of time).**

Claim 11, Fredlund discloses a method of adjusting a target area of an image reproduction apparatus **(Col. 4 lines 16-19- thus the mask is used to define a target area within the image)** comprising:

Fredlund does not selectively covering an edge of a scanning bed by drawing a shade over said edge of said scanning bed

placing said object on said drawn shade; and scanning said object; wherein an underside of said shade that is presented to said scanning bed is colored such that said scanning outputs no image of said underside of said shade thereby effectively reducing a size of said scanning bed.

Takeda discloses selectively covering an edge of a scanning bed by drawing a shade over said edge of said scanning bed **(Col. 6 Lines 12-22, Fig. 8 El. 42 (R and L)-thus motors 41L and R moves or draw the shielding plates from the edges of the scanner beds).**

placing said object on said drawn shade; and scanning said object; wherein an underside of said shade that is presented to said scanning bed is colored such that said scanning outputs no image of said underside of said shade thereby effectively reducing a size of said scanning bed. **(Col. 6 lines 1-5, Fig. 8, Plates 42 (L and R) - thus the plates will not be transparent since its purpose is the shield or block light during scanning).** Therefore it will be obvious to one ordinary skilled in the art at the time the invention was made to modify Fredlund's copying machine to include Takeda's light shielding plates which will shield lights and therefore remove unwanted portions of the

documents from being scanned. This will enable users to avoid scanning documents that they do not want.

Claim 12, Fredlund in view Takeda discloses wherein said drawing a shade comprises: measuring a distance from said shade to a furthest point of a certain condition; and extending said shade equal to said distance. **(Takeda: Col. 5, lines 61-67 It is inherent that Takeda teaches that the user has to know the measurement of the area of the document he wants to scan and operates the device to accomplish as such).**

Claim 13, Fredlund in view Takeda discloses wherein said shade comprises an opaque material wherein said opaque material is configured to prevent the scanning of an object. **(Takeda: Col. 6 lines 12-22, Fig. 8, El. 42- thus the plates are opaque material since it is blocking light).**

Claim 14, Fredlund discloses an optical scanner **(Col. 2 lines 61-62- thus Scanner 22 is optical scanner because it is coupled with flash lamps and illumination source).**

Fredlund does not disclose that the scanning device is with an adjustable shade comprising: a shade reel disposed at an edge of a scanning bed of said optical scanner; and a shade coupled to said shade reel, wherein an underside of said shade that is presented to said scanning bed is colored such that said optical scanner does not

output any image markings when scanning said underside of said shade thereby effectively reducing a scan target area of said optical scanner.

Takeda discloses a scanner with an adjustable shade comprising: a shade reel disposed at an edge of a scanning bed of said optical scanner; **(Col. 6 lines 12-22, Fig. 8, El. 42- thus the plates when retracted will be coiled to its location)** and a shade coupled to said shade reel, wherein an underside of said shade that is presented to said scanning bed is colored such that said optical scanner does not output any image markings **(Col. 6 lines 1-5, Fig. 8, Plates 42 (L and R) - thus the plates will not be transparent since its purpose is the shield or block light during scanning)** when scanning said underside of said shade thereby effectively reducing a scan target area of said optical scanner. **(Abstract lines 9-12, thus when plate 42 shields or blocks light it also covers unwanted portion of the original image so that the unwanted portion can not be reproduced).** Therefore it will be obvious to one ordinary skilled in the art at the time the invention was made to modify Fredlund's mask to include Takeda's light shielding plates which will shield lights and therefore remove unwanted portions of the documents from being scanned. This will enable users to avoid scanning documents that they do not want.

Claim 15, Fredlund in view Takeda wherein said shade comprises opaque material that is concentrically wrapped around said shade reel. **(Takeda: Col. 6 lines 12-22, Fig. 8, El. 42- thus the plates are opaque material since it is blocking light).**

Claim 16, Fredlund does not disclose wherein said adjustable shade further comprises a shade reel including a spring and a lock mechanism.

Takeda disclose wherein said adjustable shade further comprises a shade reel including a spring and a lock mechanism. **(Col. 6, lines 12-20- thus when the light shield is moved by the motor the plates stays and locked at the place for the scanning operation to take place).** Therefore it will be obvious to one ordinary skilled in the art at the time the invention was made so the when the plate moves it will be able to stay and shield the light during scanning operation. The will control the light shield and therefore will give a better image.

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Claim 17, Fredlund in view Takeda discloses wherein said adjustable shades **(Takeda: Col. 5, Lines 54-65, Fig. 8, El 42L, NB: understands that plate 42 is a shade because it shield light and it also adjustable because the user can move the plate by motor 41 and screws 44)** are coupled to said image reproduction device and said adjustable shades are configured to be drawn to a desired length, maintain said desired length for a desired length of time, and to be retracted by a spring and lock mechanism. **(Takeda; Col. 6 lines 12-20- thus in order for the shield to create the shade or shield the light , the plates has to stay at least for the duration of scanning operation or for the duration of the exposure lump is working, therefore Takeda will inherently disclose drawn the shade and maintaining it for the length of time).**

Claim18, Fredlund in view Takeda discloses wherein an underside of said shade is configured to reflect an emitted light. **(Takeda: Col. 5 lines 54-60- thus the plates reflects the light that is why it shields light instead of absorbing light)**

Claim 19, Fredlund in view Takeda discloses wherein said underside of said shade is white. **(Fredlund: Col. 2 lines 65-67- thus it is obvious that the underside of the light shield 36 will be white and any other color that will serve the purpose)**.

Claim 20, Fredlund discloses a scanning device **(Fredlund: Col. 2 lines 61-62- Scanner 22)** for eliminating unwanted areas of a scanned image **(Fredlund: Col. 3 lines 20-28 thus the mask is use as a shield which will block or cover part of the document)** said scanning device comprising means for scanning; **(Fredlund: Col. 3 lines 30-32-thus scanner 22 scans the picture on the platen)**

Fredlund does not disclose means for selectively covering edges of a scanning bed such that said means for scanning outputs no image markings when scanning said covered portions of said scanning bed wherein said means for covering edges of said scanning bed are configured to selectively and statically reduce an effective scanning area of said means for scanning.

Takeda discloses means for selectively covering edges of a scanning bed **(Col. 6 lines 12-22, Fig. 8, El. 42 or light shielding plate, thus the plate extend from an edge of the scanner because as the plate moves in A direction as shown in fig. 8,**

the shield extends in the X or horizontal axis and the rotation of Nuts 43 (L and R) extends the plate in the Y or vertical direction) such that said means for scanning outputs no image markings when scanning said covered portions of said scanning bed **(Col. 1, Lines 59-67, Fig. 8, El. 42 (L and R) , understands that since plates 42(L and R) is in between the plates and the original image it shields or blocks light and it also covers unwanted portions of the original image depending upon the users preference)** wherein said means for coveting edges of said scanning bed are configured to selectively and statically reduce an effective scanning area of said means for scanning. **(Abstract lines 9-12, thus when plate 42 shields or blocks light it also covers unwanted portion of the original image so that the unwanted portion can not be reproduced).** Therefore it will be obvious to one ordinary skilled in the art at the time the invention was made to modify Fredlund's copying machine to include Takeda's light shielding plates which will shield lights and therefore remove unwanted portions of the documents from being scanned. This will enable users to avoid scanning documents that they do not want.

Claim 21, Fredlund in view Takeda discloses wherein said means for scanning comprises a scanning unit **(Scanner 22 shown in fig. 2)** optically coupled to said scanning bed, (**Col. 2 lines 61-62- thus Scanner 22 is optical scanner because it is coupled with flash lamps and illumination source).**

Claim 22. Fredlund in view Takeda discloses wherein said means for selectively covering comprises: a shade reel, and an opaque material coupled to said shade reel.

(Takeda: Col. 6 lines 12-22, Fig. 8, El. 42- thus the plates are opaque material since it is blocking light).

Claim 23, Fredlund does not disclose wherein said adjustable shade further comprises a shade reel including a spring and a lock mechanism.

Takeda disclose wherein said adjustable shade further comprises a shade reel including a spring and a lock mechanism. **(Col. 6, lines 12-20- thus when the light shield is moved by the motor the plates stays and locked at the place for the scanning operation to take place).** Therefore it will be obvious to one ordinary skilled in the art at the time the invention was made so the when the plate moves it will be able to stay and shield the light the scanning operation. The will control the light shield and therefore will give a better image.

Claim 24, Fredlund in view Takeda discloses that the scanning device further comprising using said shade to prevent said scanning from imaging a spine of a bound volume. **(Takeda: Col. 6 lines 12-22, Fig. 8, El. 42- thus the plates are opaque material since it is blocking light and therefore prevents scanning of the unwanted documents).**

Claim 25, Fredlund in view Takeda discloses further comprising using said shade to prevent said scanning from imaging a notation on a document. **(Takeda: Col.**

6 Lines 1-5, Fig. 8 El. 42(L and R) clearly shows that these elements are used for shielding light from the light source).

(10) Response to Applicant argument

Appellant on page 13 argues that Takeda does not, teach or suggest the claimed adjustable shade that operates relative to a scanning bed which was admittedly missing from the teachings of Fredlund. This must be so because Takeda does not teach or suggest a scanning bed.

In response, examiner respectfully disagree because Fredlund teaches clearly in Col. 2 lines 61-65- that the copying station 10 includes a scanner 22 and the scanner 22 has a transparent platen 12 and as known in the art the transparent platen is used for supporting documents during scanning. Also Fig. 1 shows clearly that element 12 is a scanning bed used for supporting the document during scanning. Fredlund also suggested to use different cropping masks 46 as shown in fig. 3 and 4 to cover up the image for scanning and that each mask having different size cropping aperture compare to other masks (see column 3, lines 16-45). A user would then select a mask to use to cover up picture 50 for scanning to achieve a cropping result. If a user wants to have 1000 different aperture to choose from, the user must have 1000 different mask. There are another embodiment of fig. 5 and fig. 6 of Fredlund teaches to use a single adjustable mask (also see column 3, lines 60-67, column 4, lines 1-13).

The purpose of Takeda's is also used to solve the multiple masks and mask aperture problem. Fig. 10 of Takeda clearly shows a prior art mask that is the same as

the masks show in fig. 3 and fig. 4 of Fredlund. As disclosed in column 1, lines 19-20, and 35-45, Takeda clearly teaches the disadvantage of having multiple shading sheet. To solve the problem, Takeda suggested to use adjustable shielding plates as shown in fig. 8 to control the masking aperture (the aperture that allows light going through) such that only one set of shielding plates is used (also see column 5, lines 61-67, column 6, lines 1-23, column 6, lines 34-35), the shielding plate mask would shield the among of light going through the mask aperture.

Because Takeda's teaching is used to modify the mask 46 of fig. 3 and 4 of Fredlund into an adjustable mask and not modify the scanner itself; after the modification, Fredlund's scanner is still the old scanner that will has a scanning bed.

Furthermore; because of the above discussion, the examiner truly believes, after reading the teaching of Fredlund and Takeda, a person with ordinary skill in the art would have thought about modifying the mask of Fredlund by making the mask aperture adjustable in both the vertical and horizontal position as taught by Fredlund and Takeda.

Appellant also argues in page 14 that cited reference does not disclose an underside of said shade presented to said scanning device through said bed being colored such that said scanning device outputs no image when scanning said underside of said shade thereby effectively reducing a size of said scanning bed.

In reply, Examiner respectfully disagree because Fredlund teaches in Col. 3 lines 15-30 clearly suggested the modified mask is of white color or some unnatural

color such that no image of the mask would be outputted by the printer 34 of scanner 10 of fig. 1 onto paper (column 4, lines 23-37, column 2, lines 48-53). The mask of Fredlund is used to reduced the size of the scanning bed because the scanning bed is only having a size of the masked area of the scanning bed. Also see the pulling of A of fig. 5, fig. 6 of Fredlund reduces the area of the scanning bed in connection with picture 53. Fig. 2 of the applicant invention also defines the reducing a size of the scanning bed is not actually reduced the physical scanning bed by reduces an opening to the scanning bed.

Appellant in Page 15 argues that the combination of the Takeda and Fredlund is improper because the scope and content of the prior art as evidenced by Fredlund and Takeda, did not include the claimed subject matter, particularly an adjustable shade that is an adjustable shade that is "configured to be selectively extended from a position adjacent said scanning bed to cover a portion of said scanning bed including from an edge of said scanning bed to a leading edge of said adjustable shade"

In response, Examiner respectfully disagree because Fredlund, fig. 5 teaches the shade (56 inside aperture 54) is adjustable to be selectively extended from a position adjacent said scanning bed (12, fig. 6) (the edge of the aperture 54 is position adjacent said scanning bed 12 when closed) to cover a portion of scanning bed 12 including from an edge of said scanning bed (the edge of scanning bed is covered by

the mask) to a leading edge the adjustable shade (leading edge of the shade 56 inside aperture 54 of fig. 5).

Note: since the maximum scanning area of the scanning bed is defined by the area 12 of fig. 6, to maximized the maximum scanning area of the scanning machine of Fredlund, it would have been obvious to a person with ordinary skill in the art to make the scanning aperture 54 of fig. 5 and fig. 6 of Fredlund the same size of maximum scanning area of scanning area 12 of fig. 6 and to reduced the aperture size using shade (the area of 56 inside aperture 54) as suggested by Fredlund.

Appellant argues that the cited references does not teach "a shade reel disposed at an edge of a scanning bed of the optical scanner and a shade coupled to the shade reel."

In reply, examiner respectfully disagree because the function of the shade reels is to move the shade to the preferred position for scanning. Takeda teaches the same technology but uses different components such as nuts 43R and 43L and screws 44R and 44L. since the claimed invention is not claiming that the use of the shade reels which is disposed at an edge of a scanning bed of the said optical scanner makes the invention better than the conventional disclosure, Takeda's use of nuts and screws to perform the same function is the same and therefore teaches that claimed invention.

Regarding Claims 7, 10, 16, 17 and 23:

Appellant argues that the cited references does not disclose wherein said adjustable shade further comprises a shade reel including a spring and a lock mechanism.

In response, Examiner respectfully disagree because Takeda discloses at **Col. 6, lines 12-20- thus when the light shield is moved by the motor the plates stays and locked at the place for the scanning operation to take place and therefore teaches wherein said** adjustable shade further comprises a shade reel including a spring and a lock mechanism.

Regarding Claim 8 and 14-17 appellant argues that the cited reference fails to teach or suggest a shade reel in the context of the claimed adjustable shade.

In response, Examiner respectfully disagree because Fredlund in view of Takeda a shade reel because Col. 6 lines 12-22, Fig. 8, El. 42 Takeda shows clearly that the plates when retracted will be coiled to its location.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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